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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/744,177 | 01/19/2001 | Peter Haas | P01,0001 | 2985 |

7590 10/28/2004
Kevin R Spivak
Morrison & Foerster LLP
2000 Pennsylvania Avenue NW
Washington, DC 20006-1888

| EXAMINER |
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PIZARRO, RICARDO M

| ART UNIT | PAPER NUMBER |
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2661

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,177

Applicant(s)

HAAS, PETER

Examiner

Ricardo Pizarro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon.

US patent no. 6,011,801 (Solomon) discloses Rate control of channels on a TDM bus, comprising system for receiving and processing HDLC frames on a time division multiplex PCM type link (col 2 lines 6-14, col 7 lines 6-7, comprising a circuit arrangement for receiving data arranged in a transmission frame (circuit arrangement) whereby different time slot widths on a same transmission link can be configured within the transmission frame comprising a first processing device (Processing device including FIFO 83) for readout from a current time slot and different current state parameters of the current time slots for intermediary storing state parameters of a time slot following the current time slot and for intermediary storing readout data of the time slot in a first memory unit (current time slot is temporarily stored in FIFO memory 83), a second processing device (processing device including FIFO 104) with an allocation unit for administering a second memory unit (FIFO 104) in which said state parameters read from

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the first memory unit given a time a slot change are stored for editing the state parameters intermediary stored in the first memory unit (values are continuously compared to registers pre configured with of time slots assigned) and for allocation of the data of the current timeslot intermediary stored in the first memory unit into a third memory unit (FIFO 112) and a third processing device for forming data words from the data deposited in the third memory unit (processing device including FIFO 112), as in claim 8-9.

Solomon did not specifically disclose a first, second and third processing unit, however Solomon disclosed a first processing device such as one including FIFO 83, register 71 and counter 79, a second processing device including FIFO 104 together with counter 97 and register 93, a third processing device including FIFO 112 and register 93.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to that said devices would have been able to process data with the motivation of obtaining a method and apparatus for controlling flow information from either end of a bidirectional or full duplex TDM bus.

Allowable Subject Matter

2. Claims 10-11 are allowed.

Conclusion

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. A second non-final is being issued.

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4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

October 21, 2004

Ricardo M. Pizarro 